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DISNEY ENTERPRISES, INC., PARAMOUNT
18 PICTURES CORP., SONY PICTURES
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19 FILM CORP., NBC UNIVERSAL, INC., WARNER BROS.
ENTERTAINMENT, INC. and VIACOM, INC.
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21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23

24 REALNETWORKS, INC., a Washington
Corporation; and REALNETWORKS
25 HOME ENTERTAINMENT, INC., a
Delaware corporation,

26 Plaintiffs,

27 vs.
28

CASE NO. C 08 4548 HRL

**[PROPOSED] TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW CAUSE RE
PRELIMINARY INJUNCTION**

DVD COPY CONTROL ASSOCIATION,
INC., a Delaware nonprofit corporation,
DISNEY ENTERPRISES, INC., a
Delaware corporation; PARAMOUNT
PICTURES CORP., a Delaware
corporation; SONY PICTURES
ENTERTAINMENT, INC., a Delaware
corporation; TWENTIETH CENTURY
FOX FILM CORP., a Delaware
corporation; NBC UNIVERSAL, INC., a
Delaware corporation; WARNER BROS.
ENTERTAINMENT, INC., a Delaware
corporation; and VIACOM, Inc., a
Delaware Corporation,

Defendants.

1 TO PLAINTIFFS REALNETWORKS, INC. AND REALNETWORKS HOME
2 ENTERTAINMENT, INC. ("Plaintiffs"):

3 Upon reviewing the papers filed by Defendants Disney Enterprises, Inc.,
4 Paramount Pictures Corp., Twentieth Century Fox Film Corp., and Warner Bros. Entertainment,
5 Inc., ("Defendants") in support of their *Ex Parte* Application For A Temporary Restraining Order
6 ("*Ex Parte* Application"), including the Counter-complaint, the Memorandum of Points and
7 Authorities, the Declarations of Michael Dunn, John P. J. Kelly, Dr. Alan E. Bell, and Glenn D.
8 Pomerantz, and the Defendants' Reply; and having reviewed the opposition papers filed by
9 Plaintiffs RealNetworks, Inc. and RealNetworks Home Entertainment, Inc., including the
10 Declarations of Jacqueline Lang, Gordon Klein, and Jeffrey Buzzard; and having considered the
11 factors relating to (i) Defendants' probability of success on the merits, (ii) the risks of irreparable
12 injury to Defendants if preliminary relief is denied, (iii) the existence of serious questions going
13 to the merits of Defendants claim, and (iv) the balance of hardships, The Court HEREBY FINDS
14 and ORDERS as follows:

15 Defendants are likely to prevail on the merits of their claim pursuant to the Digital
16 Millennium Copyright Act, 17 U.S.C. §§ 1201, *et. seq.* against Plaintiffs, and Defendants are
17 likely to suffer irreparable injury without intervention of this Court; [and/or]

18 There exist serious questions going to the merits of Defendants claim pursuant to
19 the Digital Millennium Copyright Act, 17 U.S.C. §§ 1201, *et. seq.*, and the balance of hardships
20 tips in Plaintiffs' favor.

21 Accordingly, YOU ARE HEREBY ORDERED TO SHOW CAUSE at _____
22 on _____, or as soon thereafter as counsel may be heard in the courtroom of the
23 Honorable _____, located at _____, California, why
24 you, your officers, agents, servants, employees and attorneys, and those in active concert or
25 participation with you or them, should not be restrained and enjoined pending trial of this action
26 from selling, offering, marketing or otherwise trafficking in the software product known as
27 RealDVD, or any product with substantially similar functionality.

28 Pending hearing on the above Order to Show Cause, you, your officers, agents,

1 servants, employees and attorneys, and all those in active concert or participation with you or
2 them ARE HEREBY RESTRAINED AND ENJOINED from selling, offering, marketing or
3 otherwise trafficking in the software product known as RealDVD, or any product with
4 substantially similar functionality.

5 The above Temporary Restraining Order is effective on Defendants' filing an
6 undertaking with the Court in the sum of \$_____. This Order to Show Cause and
7 Temporary Restraining Order must be served on Plaintiffs no later than ____ days before the date
8 set for hearing, and proof of service shall be filed no later than ____ court days before the
9 hearing. Any papers filed by Plaintiffs in response to this Order to Show Cause must be filed and
10 served by hand, email or facsimile transmission on Defendants by no later than 5 p.m. on
11 _____. Any reply papers that Defendants elect to file must be filed and served by
12 hand, email or facsimile transmission on or before 5:00 p.m. on _____.

13
14
15 Dated: _____

United States District Judge

1 Presented By:

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3 MUNGER, TOLLES & OLSON LLP

4 MITCHELL SILBERBERG & KNUPP LLP

5 GREGORY P. GOECKNER
6 DANIEL E. ROBBINS

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8 By: _____
9 ROHIT K. SINGLA

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